



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 8895

Application of:

Xi Shen et al.

Group Art Unit: 3623

Serial No. 10/046,226

Examiner: Kalyan K. Deshpande

Filed: January 1, 2002

For: **A RETENTION MODELING METHODOLOGY FOR AIRLINES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant respectfully requests review of the final rejection of claims 16 through 21 of the present application. No amendments are being presented with this request. This request is being filed concurrently with a Notice of Appeal.

Claims 16 through 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jones, III et al., U.S. Patent Number 6,925,441. The rejection of claims 16 through 21 under 35 U.S.C. §103(a) is respectfully traversed. To establish a *prima facie* case of obviousness, at least the following requirements must be met: (1) the references when combined must teach or suggest all elements of the claimed subject matter; (2) there must be some motivation, suggestion or teaching to combine the references; and (3) there must be, within the references, a reasonable expectation of success. See M.P.E.P. § 2143 (8th ed., Rev. 2), at 2100-129. The Office has not established a *prima facie* case of obviousness because

CERTIFICATION OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 1-14-08

By: Michelle George
Name: Michelle George

these requirements have not been satisfied: the references do not teach or suggest all of the elements of the claimed subject matter.

Jones III, et al. discloses a system and method of targeted marketing to consumers based upon the financial characteristics of the consumer, type of offer being made, and channel of communication for delivery of the offer. Customer transaction history, a customer profile, and the customer's demographic/statistical data are analyzed to derive variables concerning the customer. A customer value scoring is calculated based upon the amount of purchases, frequency of purchase, and other factors, such as customer demographic data, wealth, risk, interest, and other indicators.

Claim 16, the sole independent claim remaining in the present application recites a method of identifying highly valued customers of an airline using a Customer Value Metric Model comprising:

- determining a flight mileage value for each customer, said flight mileage value comprising a measurement of flight activities for miles flown by each customer within a specified time period;

- determining a net revenue contribution value for each customer, said net revenue contribution value comprising a dollar value measurement for each customer's contribution to the airline's revenue within said specified time period;

- scoring the flight mileage value and net revenue contribution value for each customer; and

- identifying the highly valued customers by ranking the customers based on the scores and presenting the results of said ranking to a user.

The invention, as recited in claim 16, includes specific limitations concerning "determining a flight mileage value for each customer, said flight

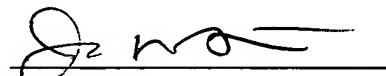
mileage value comprising a measurement of flight activities for miles flown by each customer within a specified time period.” It is not seen that Jones, III et al. includes any teaching or suggestions concerning these limitations. The Final Office Action acknowledges that Jones, III et al. fails to teach these limitations, but states that the system disclosed in Jones, III et al. may be adapted to marketing customers of an airline, and reciting the factors “flight activities,” flight mileage,” and “miles flown by” in claim 16 is irrelevant since the intended use does not change the overall functionality of the system. Applicant respectfully disagrees. The factors “flight activities,” flight mileage,” and “miles flown by” are limitations recited in claim 16, and not merely statements of intended use.

Additionally, it is believed that an adaptation of a prior art marketing system by the addition of limitations not taught or suggested in the prior art, to address the needs of a different or specific customer, is a patentable invention.

Accordingly, it is believed that claim 16, as well as 17-21 which depend from claim 16, are patentable over the cited reference to Jones, III et al.

Review of the present application and claims with consideration of the foregoing comments, and reconsideration of the rejection of claims 16 through 21, are respectfully requested.

Respectfully submitted,



James M. Stover
Reg. No. 32,759

Teradata Corporation
2835 Miami Village Drive
Miamisburg, Ohio 45342
TEL: 937-242-4727
FAX: 937-439-0693